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SUBJECT: RELIGIOUS MINORITIES STILL FACE DIFFICULTIES IN
TURKEY

REF: A. 2002 ANKARA 8881

[B](#). 2002 ANKARA 7290

[C](#). 2003 ISTANBUL 202

[D](#). 2003 ANKARA 2909

[E](#). ISTANBUL 843

[1](#). (U) Summary: Prime Ministry human rights Director Vahit Bicak offered an upbeat assessment of Turkey's progress in addressing religious minority foundations' legal issues at a May 15 NGO-organized symposium. Nonetheless, religious minority foundations stressed that they still face serious challenges. Foundations are finding it difficult in some cases to transfer the registration of property they control from individuals' names (including Jesus and Mary, on occasion) to the foundations' names. Moreover, the government has approved only a handful of their petitions to recover seized properties. Turkey's implementation of EU reforms, especially as regards religious minorities' property rights, remains incomplete. End Summary.

The Good...

[2](#). (SBU) Representatives of religious groups, academia and government attended a May 15 symposium organized by the Turkish Economic and Social Studies Foundation (TESEV) to discuss the legal problems still facing religious minority foundations after the passage of reform laws some 18 months ago (refs A through D). Vahit Bicak, Chairman of the Prime Ministry's Human Rights Commission, was a presenter at two sessions, and he seemed to go over well with the potentially critical audience. (Note: symposium organizers tell us that Bicak had originally been invited to attend the symposium, but that Bicak himself insisted on making the two presentations. End note.) Having served as an intern/jurist for the European Court of Human Rights in 1999, Bicak comfortably detailed the European Convention on Human Rights' religious freedom provisions in a morning session. Speaking as a human rights lawyer rather than as a government official, his candor was refreshing. When discussing the "freedom from expressing religious preference to the state," for example, he acknowledged that this invited discussion of Turkey's inclusion of religion on the national identity card.

[3](#). (U) Bicak closed the symposium with his afternoon speech on Turkey's accomplishments in the area of religious freedom. The return of property sacred to the Baha'i community in Edirne topped his list of concrete advances. He also pointed to improved dialogue between the government and foundations, the ability of foundations to engage in international activities, and less onerous requirements for officially changing religions. He claimed that there was an emerging consensus that all foundations be considered under one law, instead of the current situation which considers religious foundations separately from others. As regards property, he pointed to foundations' ability to register property under their own names and a more reasonable deadline for applying to recover property. Bicak also announced that a previously secret "Minority Control Commission" had been abolished and a

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new inter-ministerial commission had been appointed to resolve outstanding issues with the communities (Ref E).

[4](#). (U) Adnan Ertem, the Regional Deputy Director of the General Directorate for Foundations attended the TESEV symposium, and during a Q/A session thanked panelists for their "fair evaluation of positive developments." As the day went on he developed a slightly more defensive posture in his interventions, but stayed until the bitter end and mostly kept his cool despite representing the target of the day's heaviest criticism. His participation in the event was positive in and of itself. Moreover, TESEV organizer Cem Murat Sofuoglu noted that in a similar symposium two years earlier, six police officers had attended. This time there

was only one, he said, who had asked permission to attend. Orhan Kemal Cengiz, a lawyer representing the Protestant community, at one point remarked that "standards were so low that this counts as progress," but many agreed that a new and more productive attitude, when compared to years past, was displayed by the government officials present at the symposium.

The Bad...

15. (U) Despite Bicak's upbeat tone and the improved atmospherics, religious minority foundations continue to face problems. The regulations which came into effect in January 2003, for example, allow religious minority foundations to apply to the General Directorate for Foundations to register "property already at their disposal," but not registered in the foundation's name. At the symposium, Ata Sakmar, a lawyer affiliated with the Greek Orthodox community, explained one reason why some such applications have been rejected. In the past, Greek Orthodox properties were often registered in the name of individuals in order to avoid expropriation, and many were actually registered in the name of "Jesus" or "Mary." According to Sakmar, in the absence of the official registrant's consent to changing the registration to a foundation's name, these petitions are rejected. "I almost had to author a communique to summon Jesus to the courtroom last year", he said, "in order to submit successful applications to the General Directorate."

16. (U) A negligible number of petitions to recover property that had been seized by the government has been granted. In addition to difficulties in recovering properties seized since 1935, there is still the outstanding question of properties expropriated and/or disposed of by the government prior to 1935. It is not clear whether the 2002 reforms even allow for applications to reclaim such property. In any case, implementation of the spirit if not the letter of the reform measures passed in 2002 remains elusive.

And the Tense...

17. (SBU) Istanbul Muftu Cagrici was among three religious leaders invited to make opening remarks at the TESEV event. While the Armenian Orthodox and Ecumenical Orthodox Patriarchs sent representatives in their stead, Dr. Cagrici not only delivered his remarks personally, but stayed throughout the day and participated actively, and for the most part, constructively. In a comment that provided an insight into the "us vs. them" mentality deeply engrained in some government bureaucrats, however, he implied that perhaps Turkey's Law 1062, the so-called "Reciprocity Law," might be appropriate to consider in response to restrictions on ethnic Turks in Western Thrace. Numerous participants rejected that idea, stating that the Reciprocity Law "should not even be mentioned here," as it is meant to affect nationals of foreign states, not Turkish citizens.

Comment

18. (SBU) The mere fact that this conference (reportedly only the second to be held on this subject since the 2002 reform measures were passed) took place with the participation of the Muftu and attendance and interventions by a representative of the Foundations Directorate is a welcome development. Discussion was open and lively, but as the reference to Western Thrace clearly indicated, the religious minorities continue to be subjected to an "us vs. them" attitude by state bureaucrats (e.g., minority groups still fall under the "Foreigners" Branch of the Istanbul Police Department). Changing societal and bureaucratic attitudes that figure into the development of religious freedom policies will be at least as difficult as legislating property returns. But as one participant noted at the end of the day, "It would be strange if transformation -- and we are talking about transformation here -- were easy."

19. (U) For additional background information and reporting from ConGen Istanbul, see our classified website at <http://www.state.sgov.gov/p/eur/Istanbul/inde x.cfm>.
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